

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made the claim and for the remarks made herein.

Claims 1-21 are pending and stand rejected. Claims 1, 2, 4, 6, 9, 13, 16, and 18-19 have been amended.

Claims 1-21 stand rejected under 35 USC 103(a) as being unpatentable over Ishiyama (2001/0008544) in view of Reininger (USP no. 5,426,463). The instant Office Action repeats the reason for rejecting the claims cited in the prior Office Action and further states, on page 4, "applicant's argument ...that the references fail to show certain features of applicant's invention ... are not recited in the claim(s)."

Applicant respectfully disagrees with, and explicitly traverses, the reasons for rejecting the claims. Applicant believes that the claims, as worded, clearly would teach one skilled in the art that the information received is stored in an input buffer and, hence, the buffer recited in the claims would be considered an input buffer. However, in the interest of advancing the prosecution of this matter, the claims have been amended to more clearly state that the buffer is an input buffer. No new matter has been added. Support for the amendment may be found in the drawings wherein buffer 14 receives an input stream from A/D converter 12.

Ishiyama, as read by the applicant, discloses a picture encoding conversion device for realizing the conversion taking into account both time delay and picture quality using the information on the code volume of the encoding parameters, input and output buffers and an input bitstream. In one aspect, Ishiyama discloses that the output buffer is monitored and the encoding rate is adjusted based on whether the output buffer may overflow or underflow (see paragraphs 93-99). In another aspect, Ishiyama discloses monitoring both the output buffer and the input buffer (see figure 1) and adjusting the encoding rate based on the size of the respective buffers and a ratio of the input transmission channel and the output channel (see paragraphs 101-106). Ishiyama, however, fails to disclose or suggest adjusting the complexity of the encoder based on a comparison of the fullness level of the input buffer to a threshold according to a predetermined encoding configuration table, as is recited in the claims.

Reininger discloses a rate control system for monitoring the amount of compressed output data and dependent upon the amount of compressed output data being lesser or greater than a predetermined value, operating a fixed mode or a mode wherein only selected blocks are adaptively quantized, respectively. Reininger, similar to Ishiyama, fails to disclose or suggest adjusting the complexity of the encoder based on a comparison of the fullness level of the input buffer to a threshold according to a predetermined encoding configuration table as is recited in the claims.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

Ishiyama and Reininger are totally silent with regard to adjusting the complexity of the encoder based on a comparison of the fullness level of the input buffer to a threshold according to a predetermined encoding configuration table. Both Ishiyama and Reininger fail to appreciate the present invention utilizing the input buffer only to adapt the encoding processing. Accordingly, one would not look to Ishiyama and Reininger to develop the novel feature of the present invention as neither Ishiyama nor Reininger disclose adapting the encoder processing based on the fullness of the input buffer only.

Even if there were some motivation to combine the teachings of Ishiyama and Reininger, as suggested by the Office Action, the combined invention would not disclose all the elements claimed. In one aspect, the combination of Ishiyama and Reininger would teach using information in only the output buffer. And, in another aspect, the combination of Ishiyama and Reininger would create a device that uses information regarding the respective sizes of the input and output buffers and a ratio of the input and output channels to determine adjustments to the encoding rate. Accordingly, the combination of Ishiyama and Reininger fails to disclose adjusting the encoding rate dependent upon the fullness of only the input buffer as is recited in the claims.

Having shown that the combined device resulting from the teachings of the cited references fails to include all the elements of the present invention, applicant submits that

the present invention is not rendered obvious by the cited references. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to independent claims 9 and 17, these claims recite subject matter similar to that recited in claim 1 and have been rejected for the same reason cited in rejecting claim 1. Accordingly, for the amendments made to the claims and for the remarks made in response to the rejection of claim 1, which are also applicable in response to the rejection of claims 9 and 17 and reasserted, as if in full, in response to the rejection of these claims, applicant submits that the reason for rejecting claims 9 and 17 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

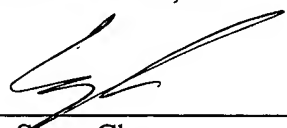
With regard to the remaining claims, these claims ultimately depend from the independent claims, which have been shown to be allowable over the references cited. Accordingly, the remaining dependent claims are also allowable by virtue of their dependency upon an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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